IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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Our File No.: G190605G WH

Plaintiff **Geico a/s/o Jessica Pomales** vs. **Defendant(s)** **U.S. Citizenship & Immigration Services** and **Alexander Osorio.**	CIVIL ACTION No.: 2:21-cv-11123 **COMPLAINT, DESIGNATION OF TRIAL** **COUNSEL, and CERTIFICATION**

The plaintiff, GEICO, as subrogee of Jessica Pomales, a corporation conducting business and residing in every county throughout the State of New Jersey, by way of complaint against the defendants herein says:

FIRST COUNT

1.   On or about June 5, 2019, Jessica Pomales was the owner of a vehicle that was parked and unoccupied in a parking garage at 970 Broad Street, Newark, Essex County, New Jersey.

2.   On or about June 5, 2019, the vehicle owned by Jessica Pomales was insured by plaintiff GEICO.

3.   At or about the aforementioned time and place, U.S. Citizenship & Immigration Services Officer, Alexander Osorio was operating a vehicle owned by defendant U.S. Citizenship & Immigration Services traveling through the parking garage on 970 Broad Street, Newark, Essex

County, New Jersey, when he operated the vehicle in a negligent manner by striking the Pomales vehicle.

4.   Alexander Osorio was operating said vehicle as the agent, servant, and/or employee of defendant U.S. Citizenship & Immigration Services.

5.   At the aforementioned time and place, the above named defendants operated and/or maintained and/or serviced and/or inspected their vehicle in a careless, negligent and/or reckless manner thereby by causing the accident involving the vehicle owned by Jessica Pomales.

6.   As a proximate result of the aforesaid accident, the Jessica Pomales vehicle was caused to sustain damage.

7.   As a further consequence of the accident referenced above, GEICO's insured, Jessica Pomales, presented a property damage claim to plaintiff GEICO to recover for the damage sustained to said vehicle.

8.   As a further consequence of the accident referenced above, plaintiff GEICO has been caused to pay **$1,328.76** for property damage and **$649.94** in rental expenditures.

9.   The aforesaid accident was caused solely by the negligence of the defendants.

10.   Plaintiff GEICO is subrogated to the rights of Jessica Pomales with regard to its right to recover any damages sustained to the subject vehicle.

WHEREFORE, plaintiff demands judgment against the defendants in the amount of **$1,978.70** together with interest and costs of suit.

JURISDICTION AND VENUE

1.   Jurisdiction over the U.S. Citizenship & Immigration Services is founded upon the Federal Tort Claims Act (28 U.S.C. 2671, et seq.); 28 U.S.C. 1346(b)(1) and 39 U.S.C. 409.

2.   Venue is proper in this district pursuant to 28 U.S.C. 1391 because the events giving rise to the underlying actions to which this Complaint relates occurred in this district.

3.   Pursuant to 28 U.S.C. 2201, an immediate and justiciable controversy exists between the named parties.

4.   GEICO has complied with the Federal Tort Claims Act by filing the required Notice of Claim Form, but the U.S. Citizenship & immigration Services has failed to make a final disposition within six months of its filing.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, William Hahn, Esq. is hereby designated trial counsel in the within matter.

CERTIFICATION

I hereby certify that the original of the within pleading was filed with the Clerk of the Court and copies were sent to all counsel of record within the time period prescribed by the provision of Rule 4:6.

LOCAL CIVIL RULE 11.2 CERTIFICATION

The undersigned counsel hereby certifies to the best of my understanding, knowledge and belief, this matter is not the subject of any other litigation or pending arbitration proceeding.

TANGO, DICKINSON, LORENZO,
McDERMOTT & McGEE, LLP
Attorneys for Plaintiffs,
GEICO a/s/o Jessica Pomales

By:_____
          William Hahn

Dated: 5/12/21